



# Guidance on Applying for a Market Operator's Licence

Before lodging your application for Market Operator's Licence please ensure that you have read the following guidance.

## 1. WHAT IS A MARKET OPERATOR'S LICENCE REQUIRED FOR?

Within the Glasgow City Council boundary a Market Operator's Licence is required for carrying on a private market.

A "Private Market" is defined for the purposes of a Market Operator's Licence as a market, whether covered or not, carried on by any person other than a local or public authority at which goods are offered by more than one seller for sale by retail to the public.

A Market Operator's Licence is not required for carrying on either of the following:

- functions held by charitable, religious, youth, recreational, community, political or similar organisations;
- markets held only for the sale of livestock, fodder or grain.

## 2. WHO SHOULD APPLY?

The individual, company or organisation carrying on the private market should apply for a licence using the application form for Market Operator's Licence.

If a company or organisation applies for a licence they **must** provide details of an individual who will be responsible for the day to day management of the premises.

An individual applying for a licence who does not intend to be responsible for the day to day management of the premises must name another individual as their day to day manager.

Potential applicants are advised to take their own independent legal advice if they are in any doubt as to who should be detailed on their application. In particular applicants should note that a day to day manager will be considered a joint licence holder and, should that manager leave during the currency of a licence, there will be implications for the licence.

## 3. WHAT ARE THE MINIMUM REQUIREMENTS FOR APPLYING?

Before you can apply for a Market Operator's Licence you must meet these minimum requirements

- Any individual named on the application form must be at least 18 years or age; and
- Any individual named as day to day manager must be able to work legally in the UK

## 4. ARE THERE DIFFERENT TYPES OF APPLICATION?

Depending on your circumstances you can apply for one of three types of application.

If you do not currently hold a licence with this Council you can apply for the following:

**Grant** If you do not currently hold a licence you can make a Grant application. This type of licence lasts for three years. You will **not be licensed** to carry on a private market until the licence is granted.

**Temporary** You can apply for a temporary licence that lasts for a period of no more than 6 weeks. You will **not be licensed** to carry on a private market until the licence is granted.

If you currently hold a licence with this Council you can apply to renew the licence before it expires.

**Renewal** Your renewal application must be lodged no later than the expiry date of your current licence. You cannot submit your renewal application more than six months before the expiry of the licence. As long as your renewal is lodged before the expiry of your current licence you can continue to operate whilst the application is being considered.

If you forget to renew your licence or are unable to do so due to unforeseen circumstances you should contact the Licensing Section at [licensingenquiries@glasgow.gov.uk](mailto:licensingenquiries@glasgow.gov.uk) as soon as you become aware your licence has expired.

## 5. HOW DO YOU APPLY?

Email your completed application to [licensingenquiries@glasgow.gov.uk](mailto:licensingenquiries@glasgow.gov.uk) along with any supporting documentation which will be checked by a member of the Licensing Team. If your application is incomplete you will be contacted by email to resolve the issue. Please check your spam/junk folder. Please do not display the note you are also required to pay the application fee (see section 6 below) by BACS transfer to the following account:

Account Name: Glasgow City Council - Licensing

Account No. 00116224

Sort Code: 83-44-00

Reference: [your name] [if renewal your licence number]

## 6. HOW MUCH IS THE APPLICATION FEE?

The current application fees are detailed below; the amount you pay is dependent on the duration. The fee is payable when the application is lodged and is non-refundable.

	Temporary	3 Year
Grant of Licence	£142	£340
Renewal of Licence		£340

*The fees given are correct as of 1 April 2023. Fees are reviewed on 1 April each year and may change.*

A list of the fees and charges levied by the Council's Licensing Section can be found on our website:

<https://www.glasgow.gov.uk/CHttpHandler.ashx?id=8747&p=0>

## 7. WHAT DOCUMENTS NEED TO ACCOMPANY THE APPLICATION?

You may need to provide additional documentation dependent on the type of application you are submitting.

**Temporary/Grant Application:** One set of plans showing the layout of the market, drawn to a suitable scale and including the position of each stall. Where the applicant is not the owner of the premises/land the market will occupy, consent from the owner of the premises/land.

**Renewal:** No additional documentation is required.

## 8. HOW WILL THE APPLICATION BE PROCESSED?

A 28 day consultation period begins when your application is formally lodged. For grant or renewal applications, any person can object to your application during the consultation period. For temporary applications, only the statutory consultees can provide comment.

For grant or renewal applications, a member of the licensing team will email your receipt once your application has been formally lodged and will advise you to display the relevant site notice at or near the premises for a period of 21 days. (Please do not display the site notice until you have been advised to do so). If the notice is taken down or defaced you must take steps to immediately replace the notice. At the end of the 21 days you should remove the notice and return the relevant Certificate or Compliance to the Licensing Section at [LicensingEnquiries@glasgow.gov.uk](mailto:LicensingEnquiries@glasgow.gov.uk) to confirm the notice was displayed correctly. If you do not follow this part of the process, you may be required to redisplay your notice for a further period. Applicants for temporary licences are not required to display the site notice. During the consultation period your application will be sent to the following:

### Police Scotland

The Police may object or make a representation to the application if they do not consider you or anyone else named on the application to be a 'fit and proper person' to hold a licence. The Police may also charge you with an offence if you have made a false statement on your application form or failed to declare convictions.

<b>Scottish Fire and Rescue</b>	Scottish Fire and Rescue will arrange to review the proposals and provide the Licensing section with a report.
<b>Environment Health</b>	The council's environmental health team will arrange to review the proposals and provide the Licensing section with a report.
<b>Building Control</b>	The council's Building Control team will arrange to review the proposals and provide the Licensing section with a report.
<b>Local Councillors and Community Council</b>	A notice of the application will be sent to the local Councillors and Community Council for the premises. The notice will provide details of the application and advise them of the last date for making an objection or representation.

Once the 28 day consultation period is complete, we will review your application.

If no adverse comments have been received, your certificate of compliance confirming display of the site notice has been returned and there are no other issues with your application, then it will be considered 'straightforward' and placed on a list of applications to be granted. We will then contact you, in writing, once the application has been granted.

If there is a problem with the application such as a police objection or adverse Environmental Health report we will refer the application to a meeting of the Licensing and Regulatory Committee for a decision. If this happens you will receive an email requesting your attendance at the meeting and explaining the reasons why your application is being called before Committee. Although you are not legally required to attend it is recommended that you do so. We will contact you, by email, after the meeting to advise you of the Committee's decision.

Applications for temporary licences are processed in a similar manner with the following differences:

- the consultation period can be less than 28 days;
- members of the public cannot object or make representation to the application; and
- there is no requirement to display a public notice at the premises.

## 9. HOW LONG WILL IT TAKE?

The Council is allowed nine months to consider your application but we aim to deal with all applications as soon as possible. It normally takes about 3 to 4 months to deal with most applications.

Applications which are not straightforward (e.g. Police Scotland object to the application) have to be referred to the Licensing and Regulatory Committee and normally take 4 to 6 months to process. This is due to the volume of applications that the Committee can consider at each meeting.

## 10. WHAT HAPPENS AFTER MY APPLICATION IS GRANTED?

You will receive a letter advising that your application has been granted. The letter will include your licence and explain any conditions or requirements you are subject to – for example the licence may have been granted subject to your compliance with Environmental Health conditions.

## 11. WHAT HAPPENS IF MY APPLICATION IS REFUSED?

You will receive an email advising that your application has been refused. You have the right to appeal the decision at Glasgow Sheriff Court (unless your application was for a temporary licence).

An applicant wishing to appeal normally requires to first obtain a written Statement of Reasons for the decision. This can be obtained by emailing the Licensing Section at [LicensingEnquiries@glasgow.gov.uk](mailto:LicensingEnquiries@glasgow.gov.uk) within 28 days of the decision. The Council will give written reasons for its decision within 10 days of being requested to do so.

The Council cannot provide guidance on making an appeal; if guidance is required you should consider taking your own independent legal advice or, alternatively, you can contact the Sheriff Clerk at Glasgow Sheriff Court, 1 Carlton Place, Glasgow, G5 9DA.

## **12. ARE THERE CONDITIONS ATTACHED TO THE LICENCE?**

There are standard conditions attached to all Market Operator's Licences. A copy of these conditions is provided with this guidance. As a licence holder you will be expected to comply with every condition. Failure to do so could result in the Council suspending your licence.

## **OTHER FREQUENTLY ASKED QUESTIONS (FAQS)**

### **AM I GUARANTEED TO BE REFUSED BECAUSE I HAVE CERTAIN CONVICTIONS?**

No. The fact that you have certain convictions does not prevent you applying nor does it guarantee that you will be refused. Every application is considered on its own merit.

### **MY LICENCE EXPIRES ON A WEEKEND OR PUBLIC HOLIDAY, WHAT SHOULD I DO?**

Your licence ceases to have effect unless you lodge a renewal application on or before the expiry date shown on your licence. This applies even if the expiry date shown on the licence is a weekend or a public holiday such as 31 December. If you find yourself in this situation, ensure you email your application at least one month before its expiry and at the latest, on the last working day prior to the licence expiry.

### **CAN I GET FURTHER INFORMATION?**

Yes. If you have any further questions about the application process the Council's Licensing Team will be happy to assist you. Please note that whilst the Licensing Team can provide guidance, the team cannot offer you legal advice.

You can contact us by phone or email.

**Phone:** 0141 287 5354  
**Email:** [LicensingEnquiries@glasgow.gov.uk](mailto:LicensingEnquiries@glasgow.gov.uk)

# Appendix 1

## Conditions attached to a Market Operator's Licence

- (1) "Site" means the site on which the market is to be held.  
"Premises" means the premises or building in which the market is to be held.  
"Market" means the market for which this licence is granted.
- (2) The licence holder shall not, without the consent of the Licensing Authority, alter or amend the site or the premises or the layout of the site or of the premises.
- (3) The licenceholder shall provide on the site or in the premises, adequate toilet facilities for traders, their employees and the public, all to the satisfaction of the Licensing Authority.
- (4) The licenceholder shall take all steps as are necessary for the maintenance of order and public safety on the site or in the premises and shall forthwith comply with all requests, directions or instructions regarding order and public safety by any authorised officer of the local authority or a fire authority or a Police officer.
- (5) The licenceholder shall comply and shall ensure compliance by all occupiers and tenants and their employees on the site or in the premises on which the market is being held, with the requirements of all Acts, Bye-laws, Statutory Rules, Orders and Regulations, whether Parliamentary, Local or Parochial and Management Rules in accordance with Section 112 of the Civic Government (Scotland) Act, 1982, passed or to be passed applicable to the site, premises and market as appropriate or to the use thereof.
- (6) The licenceholder shall effect liability insurance for the market to the satisfaction of the Licensing Authority.
- (7) The licenceholder shall ensure that:-
- (a) The market is open for business during the opening hours specified above unless the prior consent of the Licensing Authority is obtained for the closure of the market.
  - (b) All public avenues, passageways and service corridors are not obstructed in any way, either by the display or hanging of goods on the outside of the front limits of any stall or by touting for custom, whilst the market is open for business.
  - (c) Customers or other persons do not obstruct public avenues so as to cause inconvenience to members of the public shopping at adjoining stalls and that where necessary, orderly queues are arranged accordingly.
  - (d) All public avenues, passageways and service corridors are kept clean and free from litter and refuse.
  - (e) All stalls, the fixtures, fittings and equipment therein and thereon are cleaned as often as is necessary by the occupiers or tenants of such stalls.
  - (f) No inflammable liquids, explosives or fireworks or other articles likely to cause fires or explosions are located or taken into the market or its environs, without the consent of the Licensing Authority.
  - (g) No cooking of food or the preparation or processing thereof or any similar practice involving the use of heat, other than the boiling of water or milk, takes place in stalls, with the exception of refreshment stalls, and that where this is done the occupier or tenant thereof makes adequate arrangements for ventilation of the cooking equipment to the outside of the market to the satisfaction of the Licensing Authority.
  - (h) No person brings or causes to be brought into the market any animal, bird or pet other than a guide dog being at that time used by a blind person.
  - (i) Occupiers and tenants or their employees do not place goods beyond the boundaries of the stalls in their occupation and do not store goods near to sprinkler heads or so as to obstruct emergency exits nor on their stalls at a greater height than the highest point of the stall structure.
  - (j) Occupiers and tenants do not permit music to be played in the stalls in their occupation, except in connection with an approved business.
  - (k) Adequate and suitable provision is made for the storage and removal of refuse and other waste from the premises; that a suitable litter bin of adequate capacity is provided outside the premises during all hours of opening; and that all waste collected is removed with the other commercial waste.
  - (l) No vehicles are parked in any service areas, or approaches thereto, provided for the use of market traders generally, except for the prompt loading or unloading of goods or materials.
  - (m) Deliveries are not made through any public entrance except where it is not practicable to deliver goods via any service areas.
  - (n) The presence of any vermin or insect infestation in the market is dealt with forthwith so as to remove the infestation.
  - (o) No person shall bring any alcoholic or intoxicating liquor into the market other than for the purpose of sale in any premises which are licensed for the sale of such liquor and that no person in a state of drunkenness or intoxication is permitted to enter or remain within the market or its environs.
  - (p) No person stands or loiters about the entrances to or exits from the market and that no person loiters in the market or stands therein so as to obstruct any passageway.
  - (q) No products containing any of the following compounds, liquids or chemicals are sold to persons under the age of 18 years unless those products contain inhalation repellents, viz:- Any compound liquid or chemical containing

Acetone, Amyl Acetate, Benzene, Carbon Tetrachloride, Cyclohexanone, Ethyl Acetate, Hexane, Isopropanol, Methyl Ethyl Ketone, Methyl Isobutyl Ketone, Methyl Cellosolve Acetate, Methylene Chloride, Petroleum, Hydrocarbons, Tetrachloroethylene, Totoul, Toluene, Trichloroethane, Trichloroethylene or Xylene.

- (r) A person, who is suitably qualified and equipped, be nominated as a First Aider, and that he or she will be in attendance in the market during trading hours and also while stalls are being erected and dismantled.
- (8) The licenceholder shall keep a register of the names and addresses of all tenants and occupiers. He shall take such steps as are reasonably practicable to verify the names and addresses. He shall produce this register on demand to any Constable or an Authorised Officer of the local authority or fire authority and shall permit him to make copies from it. He shall keep the records for a period of two years.
- (9) The licenceholder shall ensure that fly posting does not take place to advertise events occurring on the premises. The licenceholder shall ensure that all contracts/hiring agreements relating to the use of the premises for entertainment purposes contain a requirement that the promoters or other companies or persons using the venue will not engage in or authorise any other company or person to engage in fly posting.
- (10) The licenceholder shall ensure that publicity material advertising events occurring on the premises is not distributed in such a manner as to produce litter.
- (11) The licenceholder shall ensure that stallholders do not offer for sale any new or second hand weapons, whether for ornamental use or not, as defined in the Schedule of Weapons (attached).

## **SCHEDULE OF WEAPONS**

- (i) any gun or firearm including any fake or replica;
- (ii) any knife, disguised knife, knife blade, razor blade, sword, spear, bayonet or other article which has a blade or which is sharply pointed;
- (iii) any crossbow;
- (iv) a knuckleduster, that is, a band of metal or other hard material worn on one or more fingers, and designed to cause injury, and any weapon incorporating a knuckleduster;
- (v) a swordstick, that is, a hollow walking-stick or cane containing a blade which may be used as a sword;
- (vi) the weapon sometimes known as a "handclaw", being a band of metal or other hard material from which a number of sharp spikes protrude, and worn around the hand;
- (vii) the weapon sometimes known as a "belt buckle knife", being a buckle which incorporates or conceals a knife;
- (viii) the weapon sometimes known as a "push dagger", being a knife the handle of which fits within a clenched fist and the blade of which protrudes from between two fingers;
- (ix) the weapon sometimes known as a "hollow kubotan", being a cylindrical container containing a number of sharp spikes;
- (x) the weapon sometimes known as a "footclaw", being a bar of metal or other hard material from which a number of sharp spikes protrude, and worn strapped to the foot;
- (xi) the weapon sometimes known as "shuriken" or "death star", being a hard non-flexible plate having three or more sharp radiating points and designed to be thrown;
- (xii) the weapons sometimes known as a "balisong" or "butterfly knife", being a blade enclosed by its handle, which is designed to split down the middle, without the operation of a spring or other mechanical means, to reveal the blade;
- (xiii) the weapon sometimes known as a "telescopic truncheon", being a truncheon which extends automatically by hand pressure applied to a button, spring or other device in or attached to its handle;
- (xiv) the weapon sometimes known as a "blowpipe" or "blow gun", being a hollow tube out of which hard pellets or darts are shot by the use of breath;
- (xv) the weapon sometimes known as a "kusari gama", being a length of rope, cord, wire or chain fastened at one end to a sickle;

- (xvi) the weapon sometimes known as a “kyoketsu shoge”, being a length of rope, cord, wire or chain fastened at one end to a hooked knife;
- (xvii) the weapon sometimes known as a “manrikigusari” or “kusari”, being a length of rope, cord, wire or chain fastened at each end to a hard weight or hand grip.